



**Service of Process
Transmittal**

05/11/2010

CT Log Number 516611938



RECEIVED

MAY 12 2010

TO: Georgia-Pacific Law Dept. Service of Process
Georgia-Pacific LLC
133 Peachtree St. NE
Atlanta, GA 30303

RE: **Process Served in Georgia**

FOR: Georgia-Pacific LLC (Domestic State: DE)

**G-P LAW DEPARTMENT
CASE CONTROL GROUP**

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Loryn Daygon, etc., Pltf. vs. Georgia-Pacific LLC, et al., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint and Jury Demand, Certificate, Attachment, Track Assignment Notice, Civil Case Information Statement Form(s)

COURT/AGENCY: Superior Court of New Jersey Law Division, .
Case # MRS-L-1470-10

NATURE OF ACTION: Product Liability Litigation - Manufacturing Defect - Regarding damages Pltf. sustained as a result of the malfunction paper towel dispenser - Seeking judgment against Dft.

ON WHOM PROCESS WAS SERVED: C T Corporation System, Atlanta, GA

DATE AND HOUR OF SERVICE: By Process Server on 05/11/2010 at 12:23

APPEARANCE OR ANSWER DUE: Within 35 days from the date you received the summons

ATTORNEY(S) / SENDER(S): Jennifer M. Perez
Kearns & Duffy, P.C.
3648 Valley Road
Liberty Corner, NJ 07938
908-647-7773

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 791527822743
Image SOP
Email Notification, Georgia-Pacific Law Dept. Service of Process
GPLAWSOP@GAPAC.COM

SIGNED: C T Corporation System
PER: Terence Hardley
ADDRESS: 1201 Peachtree Street, N.E.
Atlanta, GA 30361
TELEPHONE: 404-965-3840

RECEIVED

MAY 12 2010

G-P LAW DEPARTMENT
CASE CONTROL GROUP

KEARNS & DUFFY, P.C.
3648 VALLEY ROAD, P.O. BOX 56
LIBERTY CORNER, NEW JERSEY 07938
(908) 647-7773
ATTORNEYS FOR PLAINTIFF
OUR FILE NO.: 6936

LORYN DAYGON t/a CHEF LORYN'S, by her
subrogee, THE CUMBERLAND INSURANCE
GROUP,


Plaintiff(s),

SUPERIOR COURT OF NEW JERSEY
MORRIS COUNTY
LAW DIVISION

DOCKET NO.: MRS-L-1470-10

v.

Civil Action


**GEORGIA-PACIFIC LLC, ABC CORPS. 1-10;
JOHN DOES 1-10 and XYZ INSURANCE
COMPANIES,**

SUMMONS

Defendant(s).

From The State of New Jersey To The Defendant(s) named above: **GEORGIA-PACIFIC, LLC**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

/s/ Jennifer M. Perez

JENNIFER M. PEREZ
Clerk of the Superior Court

DATED: May 4, 2010

Name of Defendant to Be served:
Address of Defendant to Be Served:

GEORGIA-PACIFIC, LLC
133 Peachtree Street, N.E., Atlanta, Georgia 30303

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Floor
Atlantic City, N.J. 08401
LAWYER REFERRAL
609-345-3444
LEGAL SERVICES
609-348-4200

BERGEN COUNTY

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL
201-488-0044
LEGAL SERVICES
201-487-2166

BURLINGTON COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, N.J. 08060
LAWYER REFERRAL
609-261-4862
LEGAL SERVICES
800-496-4570

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
1st Floor, Hall of Record
101 South Fifth Street
Camden, N. J. 08103
LAWYER REFERRAL
856-964-4520
LEGAL SERVICES
856-964-2010

CAPE MAY COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
9 N. Main Street
Box DN-209
Cape May Courthouse, N.J. 08210
LAWYER REFERRAL
609-463-0313
LEGAL SERVICES
609-465-3001

CUMBERLAND COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, N. J. 08302
LAWYER REFERRAL
856-692-6207
LEGAL SERVICES
856-451-0003

ESSEX COUNTY

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, N.J. 07102
LAWYER REFERRAL
973-622-6207
LEGAL SERVICES
973-624-4500

GLOUCESTER COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 750
Woodbury, N.J. 08096
LAWYER REFERRAL
856-848-4589
LEGAL SERVICES
856-848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, N.J. 07306
LAWYER REFERRAL
201-798-2727
LEGAL SERVICES
201-792-6363

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, N.J. 08862
LAWYER REFERRAL
908-263-6109
LEGAL SERVICES
908-782-7979

MERCER COUNTY

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad St., P.O. Box 8068
Trenton, N.J. 08650
LAWYER REFERRAL
609-585-6200
LEGAL SERVICES
609-695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Square, P.O. Box 2633
New Brunswick, N. J. 08903-2633
LAWYER REFERRAL
732-828-0053
LEGAL SERVICES
732-249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
71 Monument Park
P.O. Box 1262
Court House, East Wing
Freehold, N. J. 07728-1262
LAWYER REFERRAL
732-431-5544
LEGAL SERVICES
732-866-0020

MORRIS COUNTY

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, N.J. 07961-0910
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
973-285-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, N.J. 08754
LAWYER REFERRAL
732-240-3666
LEGAL SERVICES
732-341-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, N.J. 07505
LAWYER REFERRAL
973-278-9223
LEGAL SERVICES
973-523-2900

SALEM COUNTY

Deputy Clerk of the Superior Court
92 Market St. P.O. Box 18
Salem, N.J. 08079
LAWYER REFERRAL
856-678-8363
LEGAL SERVICES
856-451-0003

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, N.J. 08876
LAWYER REFERRAL
908-685-2323
LEGAL SERVICES
908-231-0840

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, N.J. 07860
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
973-383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
908-353-4715
LEGAL SERVICES
908-354-4340

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, N.J. 07823-1500
LAWYER REFERRAL
908-387-1835
LEGAL SERVICES
908-475-2010

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN

NJ 07960

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS

DATE: APRIL 30, 2010
RE: DAYGON VS GEORGIA-PACIFIC LLC
DOCKET: MRS L -001407 10

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON W.H. DUMONT

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
IT: (973) 656-4103.



IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: MICHAEL C. VACCARO
KEARNS & DUFFY
3648 VALLEY RD
PO BOX 56
LIBERTY CORNER NJ 07938

JUJKEL

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT OVERPAYMENT BATCH NUMBER	
	ATTORNEY / PRO SE NAME MICHAEL C. VACCARO		TELEPHONE NUMBER (908) 647-7773	
	FIRM NAME (if applicable) KEARNS & DUFFY, P.C.		COUNTY OF VENUE Morris	
	OFFICE ADDRESS 3648 Valley Road, P.O. Box 56 Liberty Corner, New Jersey 07938		DOCKET NUMBER (when available) L-1407-10	
		DOCUMENT TYPE COMPLAINT		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Loryn Daygon t/a Chef Loryn's, by her subrogee, The Cumberland Insurance Group, Plaintiff		CAPTION Loryn Daygon t/a Chef Loryn's, by her subrogee, The Cumberland Insurance Group v. Georgia-Pacific LLC, et als.		
CASE TYPE NUMBER (See reverse side for listing) 606		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE				

7-3-10

7-3-10

RECEIVED
JUL 1 2010
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CLERK'S OFFICE

RECEIVED
JUL 1 2010
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CLERK'S OFFICE

RECEIVED
JUL 1 2010
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CLERK'S OFFICE

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- 280 Zelnorm
- 285 Stryker Trident Hip Implants
- 288 Prudential Tort Litigation

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCUTANE | 283 DIGITEK |
| 272 BEXTRA/CELEBREX | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 275 ORTHO EVRA | 287 YAZ/YASMIN/OCELLA |
| 277 MAHWAH TOXIC DUMP SITE | 601 ASBESTOS |
| 278 ZOMETHA/ARELIA | 619 VIOXX |
| 279 GADOLINIUM | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Verbal Threshold☐ Putative Class Action☐ Title 59

KEARNS & DUFFY, P.C.
3648 Valley Road, P.O. Box 56
Liberty Corner, New Jersey 07938
(908) 647-7773
Attorneys for Plaintiffs
Our File No.: 6936

2010.05.20
CIVIL DIVISION

LORYN DAYGON t/a CHEF LORYN'S, by
her subrogee, THE CUMBERLAND
INSURANCE GROUP,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

Plaintiff(s),

DOCKET NO.: 10-1407-10

v.

Civil Action

GEORGIA-PACIFIC LLC, ABC CORPS.
1-10; JOHN DOES 1-10 and XYZ
INSURANCE COMPANIES,

COMPLAINT and JURY DEMAND

Defendant(s).

Plaintiff, Loryn Daygon t/a Chef Loryn's, by her subrogee, The Cumberland Insurance Group, having a place of business located at P.O. Box 556, Bridgeton, New Jersey 08302, by way of complaint against defendants, Georgia-Pacific LLC, with a place of business located at 133 Peachtree Street, N.E., Atlanta, Georgia 30303; ABC Corps. 1-10; John Does 1-10 and XYZ Insurance Companies, alleges as follows:

FIRST COUNT

1. At all times relevant hereto, plaintiff, The Cumberland Insurance Group, did insure a business owned by Loryn Dagon t/a Chef Loryn's, located at 250 Main Street in Madison, New Jersey 07940 (hereinafter "Chef Loryn's"). The Cumberland Insurance Group did pay a claim for property damage caused and thereby has become subrogated to the rights of said Chef Loryn's.

2. At all times relevant herein, defendant, Georgia-Pacific LLC, was and is a limited liability company authorized to do business in the State of New Jersey who put their product in the stream of commerce in the State of New Jersey. Defendant, Georgia-Pacific LLC, (hereinafter "Georgia-Pacific") held themselves out to be a business competent in the design and manufacture of a paper towel dispenser and/or their component parts.

3. At all times relevant herein, the defendants, ABC Corps. 1-10, John Does 1-10 and XYZ Insurance Companies were and are unidentified owners, contractors and/or persons and companies involved in the design, manufacture, distribution, sale, installation and/or repair of said paper towel dispenser and/or their component parts.

4. At all times relevant hereto, the defendants were under a duty to fully and properly control, inspect, maintain, repair and otherwise install its products in a safe manner, such as would reasonably provide for the protection and safety of persons who would be utilizing these products and more particularly, the plaintiff herein, and reasonably provide for the preservation of personal property in and about said products.

5. On or about March 27, 2010, the Georgia-Pacific paper towel malfunctioned causing a fire to ignite, causing severe and significant property damage to plaintiff's insureds' properties.

6. As a direct and proximate result of the malfunction of the Georgia-Pacific paper towel dispenser, the plaintiff's insured sustained severe and significant property damage to her business.

7. The defendant impliedly warranted that the subject paper towel dispenser was fit

for its intended purpose, the purpose for which it was designed, that it was a safe and suitable appliance to be used by plaintiff's insured.

8. In purchasing and using the Georgia-Pacific paper towel dispenser, plaintiff's insured relied on defendant's skill and judgment in the implied warranty of fitness for use.

9. The Georgia-Pacific paper towel dispenser was, in fact, not fit for use for its intended purpose and as a result the defendant's breached their warranty of fitness for use, causing plaintiff's insured to sustain severe and significant property damage.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory damages, together with interest, statutory attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiff repeats each and every allegation contained in the First Count as if fully set forth herein at length.

2. Defendants expressly and/or impliedly warranted and represented to the plaintiff's insured and all foreseeable users that the paper towel dispenser was of merchantable quality and was safe and fit for ordinary purposes and uses.

3. Plaintiff's insured relied upon the defendants' express and/or implied warranties of merchantability and fitness for a particular purpose.

4. The warranties and representations by the defendants were false, misleading, inaccurate and otherwise untrue and the paper towel dispenser was not of merchantable quality and was in fact defective.

5. By reason of the foregoing, defendants breached their implied warranty of

merchantability and fitness for a particular purpose and all other pertinent provisions of N.J.S.A. 2A:58c-1 et seq.

6. As a direct and proximate result of the aforementioned breach of warranties, plaintiff's insured was caused to sustain extensive property damage to her business.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory damages, together with interest, statutory attorney's fees and costs of suit.

THIRD COUNT

1. Plaintiff repeats each and every allegation contained in the First and Second Counts as if fully set forth herein at length.

2. At all times relevant hereto, defendants, Georgia-Pacific, ABC Corps. 1-10, John Does 1-10 and XYZ Insurance Companies, were in the business of manufacturing, designing, selling and/or otherwise operating a business that sold and placed into the stream of commerce a Georgia-Pacific paper towel dispenser and/or its component parts.

3. At all times relevant hereto, defendants were under a duty to fully and properly control, inspect, maintain, repair and otherwise sell its products, with specific reference to paper towel dispensers and/or its component parts, in a safe manner, such as would reasonably provide for the protection and safety of persons that would be sold or would utilize these products and, more particularly, the plaintiff's insured.

4. As a direct and proximate result of the defective Georgia-Pacific paper towel dispenser and/or its component parts placed into the stream of commerce by the defendants, plaintiff's insured sustained serious property damage.

WHEREFORE, plaintiff demands judgment for compensatory and consequential damages against the defendants jointly, severally and in the alternative, together with interest, statutory attorney's fees, and costs of suit.

FOURTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second and Third Counts as if fully set forth herein at length.

2. By reason of the defective, careless and negligent design, manufacture, repair, assembly, construction, distribution, installation and sale into the stream of commerce of this defective Georgia-Pacific paper towel dispenser and/or its component parts, defendants are liable in strict products liability to the plaintiff and pursuant to the provisions of N.J.S.A. 2A:58C-1 et seq.

3. The plaintiff's insured was within the ambit and class of foreseeable users of this product and/or its component parts.

4. As a direct and proximate result of the aforesaid negligence and carelessness of the defendants, plaintiff's insured was caused to sustain severe property damage.

WHEREFORE, plaintiff demands judgment for compensatory and consequential damages against the defendants jointly, severally and in the alternative, together with interest, statutory attorney's fees, and costs of suit.

FIFTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third and Fourth Counts as if fully set forth herein at length.

2. Defendants expressly and/or impliedly warranted and represented to the plaintiff and all foreseeable users that the Georgia-Pacific paper towel dispenser and/or its component parts were of merchantable quality and were safe and fit for its ordinary purposes and uses.

3. Plaintiff's insured relied upon the defendants expressed and/or implied warranties of merchantability and fitness for a particular purpose.

4. The warranties and representations by the defendants were false, misleading, inaccurate and otherwise untrue and the Georgia-Pacific and/or its component parts were not of merchantable quality and were, in fact, defective.

5. By reason of the foregoing, defendants breached their implied warranty of merchantability and fitness for a particular purpose and all other pertinent provisions of N.J.S.A. 2A:58C-1 et seq.

6. As a direct and proximate result of the aforementioned breach of warranties, plaintiff's insured was caused to sustain severe property damage.

WHEREFORE, plaintiff demands judgment for compensatory and consequential damages against the defendants jointly, severally and in the alternative, together with interest, statutory attorney's fees, and costs of suit.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Michael C. Vaccaro, Esq., is hereby designated as trial counsel on behalf of plaintiffs.

DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury of all issues so triable.

NOTICE PURSUANT TO RULE 1:5-1(a) AND RULE 4:17-4(c)

Take notice that the undersigned attorney does hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c), that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories received from any other party, including documents, papers, deposition transcripts and other material referred to therein, upon the undersigned attorney. Take notice that this is a continuing demand.

DEMAND FOR INTERROGATORY ANSWERS

Pursuant to Rule 4:17-1(b)(1), demand is hereby made for the defendants to answer Product Liability Interrogatories pursuant to the Court Rules.

CERTIFICATION

Pursuant to R. 4:5-1, this is to certify that, to the best of our knowledge, this matter is not subject of any other action pending in any court or arbitration proceeding and none is contemplated and confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Dated: April 26, 2010

KEARNS & DUFFY, P.C.
Attorney for Plaintiffs

By: 

MICHAEL C. VACCARO

2010 APR 28 AM 11:58

FILED
CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
JUL 1 2010